BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE V.BHASKARAN NAMBIAR
(RETD.JUDGE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE K.JOHN MATHEW
(RETD.JUDGE, HIGH COURT OF KERALA)

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 30625 of 2006(U)

CMA.67/2004 of 1st ADDL.DISTRICT COURT, ERNAKULAM
OS.145/1997 of the PRINCIPAL SUB COURT,KOCHI
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PETITIONER:

LAILA, W/O.ABDUL HAMEED,
KOTTILUNGAL, PALLURUTHY SOUTH MURI,
PALLURUTHY VILLAGE, KOCHI TALUK, REP. BY POWER
OF ATTORNEY HOLDER PRATHAPAN, S/O.DAMODARAN,
C.C.24/802A, EDAKOCHI MURI, EDAKOCHI VILLAGE,
KOCHI.(PRES.ADDRESS:PRATHAPAN,C.C.20/1854,KOCHI).

BY ADV. SRI.J.OMPRAKASH

RESPONDENTS:

UMADEVI ALIAS UMA,
W/O.KUMARAN, ABHILASH HOUSE,
PALLURUTHY SOUTH MURI,
PALLURUTHY VILLAGE, KOCHI.

BY ADV. SRI.K.P.DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE POWER OF ATTORNEY DATED 16.11.2002 EXECUTED BY THE PETITIONER.

EXT. P2: COPY OF THE DECREE IN O.S.NO.145/97 DATED 31.1.2000 OF THE SUB COURT, KOCHI.

EXT. P3: COPY OF THE ORDER IN E.A.264/2002 AND E.A.112/2004 IN O.S.NO.145/97 DATED 4.6.2004 OF THE PRINCIPAL SUB COURT, KOCHI.

EXT. P4: COPY OF THE MEMORANDUM OF APPEAL FILLED IN C.M.A. NO.67/2004 DATED 26.6.2004 OF THE DISTRICT COURT, ERNAKULAM.

EXT. P5: COPY OF THE JUDGEMENT IN W.P.(C)NO.17413/2004 DATED 14.7.2004 OF THIS HONOURABLE COURT.

EXT. P6: COPY OF THE ORDER IN C.M.A.NO.67/2004 OF THE DISTRICT COURT, ERNAKULAM DATED 30.10.2004.

EXT. P7: COPY OF THE I.A. NO.3516/2004 IN C.M.A.NO.67/2004 OF THE DISTRICT COURT, ERNAKULAM DATED 27.11.2004.

EXT. P8: COPY OF THE OBJECTION FILED BY THE PETITIONER IN I.A.NO.3516/04 IN C.M.A.NO.67 OF 2004 DATED 13.12.2004.

EXT. P9: COPY OF THE ORDER IN I.A.NO.3516/2004 IN C.M.A.67/2004 OF THE DISTRICT COURT, ERNAKULAM DATED 31.1.2005.

EXT. P10: COPY OF THE JUDGEMENT IN C.M.A. NO.67/2004 DATED 31.1.2005 OF THE DISTRICT COURT, ERNAKULAM.

EXT. P11: COPY OF THE JUDGEMENT OF THIS HONOURABLE COURT IN W.P.(C) NO.7100/2005 DATED 4.7.2006.

EXT. P12: COPY OF THE ORDER IN C.M.A.67/2004 DATED 22.9.2006 OF THE ADDITIONAL DISTRICT JUDGE, ERNAKULAM.

EXT. P13: COPY OF THE ORDER IN E.A.264/2002 IN O.S.145/97 DATED 18.12.2002 OF THE SUB COURT, KOCHI.

EXT. P14: COPY OF THE ORDER IN E.A.267/2002 IN O.S.145/97 DATED 18.12.2002 OF THE SUB COURT, KOCHI.

EXT. P15: COPY OF THE JUDGEMENT IN W.P.(C)NO.30843/2000 DATED 11.2.2004.

EXT. P16: COPY OF THE E.A.NO.112/2006 IN O.S.NO.145/97 DATED 25.3.2006 OF THE SUB COURT, KOCHI.

EXT. P17: COPY OF THE RATION CARD NO.1733056485 DATED NIL.

EXT. P18: COPY OF THE AGREEMENT FOR SALE DATED 20.10.2002.

EXT. P19: COPY OF THE RELEVANT PAGE OF THE VOTERS LIST OF THE PALLURURTHY ASSEMBLY CONSTITUENCY FOR THE YEAR 2006 DATED NIL.

V.BHASKARAN NAMBIAR (RETD. JUDGE) &
K.JOHN MATHEW (RETD. JUDGE)

W.P.(C) No. 30625 OF 2006

Dated this the 21st day of December, 2006

A W A R D

An award is made in terms of the settlement arrived at in the presence of parties and their counsel. The settlement will be part of the award.

V.BHASKARAN NAMBIAR
(RETD. JUDGE)

K.JOHN MATHEW
(RETD. JUDGE)

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THE HIGH COURT LEGAL SERVICES COMMITTEE
HIGH COURT BUILDINGS COCHIN-31

LOK ADALATH

Held on 21.12.2006 at the High Court
Case No.WP(C) 30625/2006

(Arising out of E.P.No. 92 of 2001 in O.S.No.145/97 of the Sub Court Kochi)

APPELLANT/PETITIONER: Laila represented by Power of Attorney Holder Prathapan, S/O Damodharan

RESPONDENT : Umadevi alias Uma

REPORT OF SETTLEMENT FILED BY THE APPELLANT & THE RESPONDENT

The petitioner and the respondent agree the following:

1) The appellant/petitioner or his power of attorney holder, Mr.Prathapan, will pay a sum of Rs.3,62,500/- (Rupees Three Lakhs Sixty two thousand and five hundred only) directly to the respondent on or before 10.3.2007 (March Ten, Two thousand and seven) and on payment respondent shall issue receipt. If the respondent refuses to receive the payment, the petitioner or the power of attorney holder can deposit the amount in Court.

2) No extension of time will be requested or granted on any account.

3) The petitioner through the above power of attorney holder is entitled to withdraw forthwith the amounts deposited by the petitioner in the execution court (O.S. 145/97 of the Sub Court, Kochi) pursuant to the order of the Hon'ble High court and the Additional District Court forthwith.

4) The power of Attorney holder Sri.Prathapan is entitled to withdraw the amount deposited in the Palluruthy branch of the Federal Bank, forthwith.

5) The above Power of Attorney holder is entitled to take all steps and withdraw Rs.54,587/- being the balance sale price deposited by the Decree holder on 5.10.002 in the above case forthwith.

6) If the amount of Rs.3,62,500/- is paid by the petitioner to the decree holder before 10.3.2007 as stated above, then the sale conducted on 20.9.2002 and confirmed on 18.12.2002 in O.S.145/97 and the sale certificate will stand set aside.

7. If the amount is not paid on or before 10.3.07 as stated above, the writ petition will stand dismissed; but without cost. The execution proceedings will be kept in abeyance till 10.3.2007.

8) The writ petition is disposed of in terms of the above settlement.

No coercion or undue influence is applied in arriving at the above settlement.

Appellant/petitioner: Adv.for Appellant/Petitioner

Respondent: Adv. for the Respondent